

Civil society submission on the People's Republic of China's Third Report on the Implementation of the International Covenant on Economic, Social and Cultural Rights

Submitted to the

UN Committee on Economic, Social and Cultural Rights

for consideration at the 73 Session (13 Feb 2023 - 03 Mar 2023) of the Committee

Submitted by:

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I) SUMMARY OF RECOMMENDATIONS

1. RIGHT TO FREELY DISPOSE OF NATURAL WEALTH AND RESOURCES (art. 1(2))

The State party should:

- Pursue development and environmental policies that respect the economic, social and cultural rights of Tibetans and are inclusive of local populations, in line with the United Nations Sustainable Development Goals”;
- Halt and review relocation policies in the Tibet Autonomous Region and in Tibetan areas outside the TAR, in order to safeguard their compliance with Art. 1 of the Covenant;
- With regard to environmental policies, in accordance with the “Framework Principles on Human Rights and the Environment, respect principles of equal treatment (framework principle 3), community participation (4, 9), information transparency (6-7), freedom of speech (5), and fair treatment of local communities (15), and in accordance with General Comment 26 of the Committee, with regard to relocation policies, in general, respect principles of Free, Prior and Informed Consent;
- Enact laws that provide for safeguarding principles of Free, Prior and Informed Consent and access to justice, including remedy, redress and compensation; review and amend existing laws that disregard principles of Free, Prior and Informed Consent;
- Provide for access to justice, with an independent judiciary, for individuals subjected to relocation programs;
- Provide detailed information on cases of redress, remedy and compensation sought by affected Tibetans, and rejected or granted by the authorities.

2. RIGHT TO WORK (art.6)

The State party should:

- Make publicly available information on the design and implementation of labour transfer and training schemes in the Tibet Autonomous Region and other Tibetan regions;
- Provide for access to justice, with an independent judiciary, for individuals participating in labour transfer and training schemes in the Tibet Autonomous Region;
- Halt and review labour transfer and training schemes in the Tibet Autonomous Region, in order to safeguard their compliance with Art. 6 of the Covenant and relevant ILO Conventions 29, 105, 111 and 122.

3. HUMAN RIGHTS DEFENDERS

The State party should:

- Effectively address threats, attacks, harassment and intimidation against human rights defenders, by government authorities and private corporations, including by thoroughly, promptly and independently investigating human rights violations and abuses against them, bringing the perpetrators to justice in fair trials and providing effective remedies and adequate reparation to the victims;
- Urgently release the Tibetan Anya Sengdra who has been sentenced to seven years in prison because of his activism on environmental and social issues. Furthermore, urgently release the Tibetan Karma Samdrup who has been sentenced to a prison term solely because of his advocacy against corruption and for the protection of the environment.
- Urgently release all those Tibetans who have advocated on consequences of land use policies, mining, damming or poaching.
- Be referred to the Committee’s statement on human rights defenders and economic, social and cultural rights that it adopted in 2016.

4. CULTURAL RIGHTS (art. 15)

The State party should:

- in accordance with Art. 15 of the Covenant and in view of General Comment 22 of the Committee recognize, respect and protect Tibetan culture and respect the right of Tibetans to practice their traditions, customs, their religious beliefs, forms of education, languages and other manifestations of their cultural identity and membership, free from State party intervention, in accordance with international law;
- end policies of “Sinicization” that, in effect, intentionally or unintentionally, eradicate core tenets of Tibetan culture, such as language, religious beliefs and ways of life;
- end the persecution of Tibetans exercising their right to freedom of religion or belief; end intervention into the appointment of Tibetan Buddhist clergy;
- end policies of undermining the use of Tibetan language; re-introduce Tibetan language as medium of instruction in schools, allow for privately run Tibetan language schools, particularly in Tibetan Buddhist monasteries;
- end the persecution of independent cultural expression and release all those detained for peacefully exercising their right to freedom of thought and expression; immediately Tibetan writer Go Sherab Gyatso and others.

5. PROTECTION OF THE FAMILY AND CHILDREN (art. 10)

The State party should:

- end the system of boarding schools in Tibet and beyond Tibet and allow for educational facilities operating to respond to the needs of local communities and families.

6. COVID-19 RELATED ISSUES

The State party should:

- Implement health related policies that are proportional and effective, in particular with regard to the rights of affected individuals;
- Protect the space for journalists, defenders, medical professionals and experts, including scientists, to speak freely without threat of disciplinary action or reprisals; and ensure safe procedures for whistleblowing in the health sector, which are critical for professionals to carry out their work without fear of retaliatory lawsuits or intimidation.

7. NON-DISCRIMINATION (art. 2(2))

The State party should:

- respect the principles of the right to self-determination and allow for Tibetan representation in public office and administration, in order to safeguard genuine and real autonomy of the Tibetan people, and end discrimination of Tibetan participation in public office and administration.

8. REPRISALS ON LAW FIRMS AND LAWYERS

The State party should:

- indicate geographical distribution of penalties against law firms and lawyers, and provide for a breakdown of sanctions related to alleged breaches of State security in Tibetan areas.

II) PURPOSE OF THE SUBMISSION

1) The purpose of this civil society submission is to assist the Committee on Economic, Social and Cultural Rights in the review of the People's Republic of China at the 73rd session of the Committee, which will examine the People's Republic of China's Third Periodic Report on its implementation of the Covenant of Economic, Social and Cultural Rights, as well as its response to the List of Issues published by the Committee. This submission is based on a previous joint submission by the Loyola Law School and the International Campaign for Tibet¹, prepared for the 3rd periodic review of the People's Republic of China.

2) It will, in particular, focus on the State Party's response to the List of Issues² published by the Committee and offer recommendations with regard to the implementation of the Covenant in Tibet.³ It will also detail new developments since the previous joint submission of the Loyola Law School and the International Campaign for Tibet from December 2020, which are relevant to the realization of the Covenant in Tibet.

3) The People's Republic of China (hereinafter "PRC" or "China") ratified the International Covenant on Economic, Social and Cultural Rights (hereinafter "CESCR" or "Covenant") on 7 March 2001, and it entered into force for the PRC on 27 June 2001.⁴ The PRC completed its first periodic review in 2005. It is currently undergoing the 3rd periodic review.

III) ABOUT THE SUBMITTING ORGANIZATIONS

4) The International Human Rights Center of Loyola Law School, Los Angeles is committed to achieving the full exercise of human rights by all persons, and seeks to maximize the use of international and regional political, judicial, and quasi-judicial bodies through litigation, advocacy, and capacity-building.⁵ Loyola Law School, Los Angeles is the school of law of Loyola Marymount University, a Jesuit university.

5) The International Campaign for Tibet (ICT) is a non-profit advocacy group working to promote democratic freedom for Tibetans, ensure their human rights, and protect the Tibetan culture and environment. ICT is member of the International Federation for Human Rights (FIDH), the governing body of the German Institute for Human Rights (DIMR), the civil society network World Heritage Watch and the NGO-Committee on FORB (Geneva).

¹ Loyola Law School / International Campaign for Tibet, *Civil society submission on the People's Republic of China's Third Report on the Implementation of the International Covenant on Economic, Social and Cultural Rights*, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=EZTZLUde4ypiSQUXNK64A9k67DJtYK+faWse3rUDUkSIUmFu3b+rAXKkMum7+5+zvZCj1tfhgkXmkluuOuVGgQ==, (Dec 2020).

² United Nations, CESCR, *List of issues in relation to the third periodic report of China*, E/C.12/CHN/Q/3, (7 Apr 2021).

³ Tibet was traditionally comprised of three main areas: Amdo (north-eastern Tibet), Kham (eastern Tibet) and U-Tsang (central and western Tibet). The Tibet Autonomous Region was set up by the Chinese government in 1965 and covers the area of Tibet west of the Dri-chu (Yangtse river), including part of Kham. The rest of Amdo and Kham have been incorporated into Chinese provinces, and where Tibetan communities were said to have 'compact inhabitancy' in these provinces, they were designated Tibetan autonomous prefectures and counties. As a result, most of Qinghai and parts of Gansu, Sichuan and Yunnan provinces are acknowledged by the Chinese government to be 'Tibetan.' This submission uses the term 'Tibet' to refer to all Tibetan areas currently under the jurisdiction of the People's Republic of China.

⁴ International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966, S. Treaty Doc. No. 95-19, 6 I.L.M. 360 (1967), 993 U.N.T.S. 3 [hereinafter CESCR or Covenant].

⁵ See *International Human Rights Clinic*, Loyola Law School, Los Angeles, <https://www.lls.edu/academics/experientiallearning/clinics/internationalhumanrightsclinic/> (last visited Dec. 14, 2020).

IV) RIGHT TO FREELY DISPOSE OF NATURAL WEALTH AND RESOURCES (art. 1(2))

Relocation policies

Overview

6) Tibetans have undergone an unprecedented process of relocation and resettlement. Resettlement has occurred under the policies of “Ecological Migration” (‘Shengtai yimin’), “Converting pastures to grasslands” (‘Tuimu Huancao’) and the “Comfortable Housing Project”, which has seen the mass relocation of Tibetans to so-called ‘xiaokang’ (“small wellbeing”) accommodation. Recently, the Chinese authorities have started resettling Tibetans according to the “very high-altitude relocation program” (see below). Targets of these policies are nomads and herders, farmers and Tibetans living in rural areas of Tibet.

7) According to Chinese government media sources, at least 1.8 million nomads have been settled into sedentary houses under various Chinese government policies.⁶ This is likely an extremely conservative estimate. In 2013, Human Rights Watch reported that since 1996, when the Chinese government launched the campaign “Build a New Socialist Countryside” in Tibetan areas, between 2006 and 2012, over two million Tibetans (two thirds of the entire population of the TAR) have been rehoused and hundreds of thousands of nomadic herders had been relocated and settled in “New Socialist Villages”.⁷ In areas of relocation, displaced Tibetans have not received compensation or assurances of income or employment for the future. The lack of adequate compensation in addition to absence of consultation, both of which are required under international law, means that China has extensively violated the rights of these Tibetan herders and nomads.⁸

8) In particular, Chinese policies aimed at protecting the environment or mitigating climate change do not respect both the rights and the role of Tibetans when planning and implementing these policies. The Chinese regulations on Nature Reserves⁹, in Art. 26, for example, stipulate a ban on grazing and the gathering of medicinal herbs, while it fails to stipulate processes for access to grasslands for Tibetan nomads and herders. At the end of 2020, in the Tibet Autonomous Region alone, there reportedly were 47 nature reserves.¹⁰

Developments since the previous submission from December 2020

9) China’s 14th Five-Year Plan for National and Social Development states to “build a nature reserve system with national parks as the main entities, nature reserves as the foundation, and various natural

⁶ Human Rights Watch, “*They Say We Should Be Grateful!*” Mass Rehousing and Relocation Programs in Tibetan Areas of China, 4 June 2013, https://www.hrw.org/sites/default/files/reports/tibet0613webwcover_0.pdf; CGTN, 16 October 2020, *Tibet: How China's toughest battleground defeated absolute poverty?* <https://news.cgtn.com/news/2020-10-16/How-Tibet-eliminated-absolute-poverty-despite-harsh-climate--UDkSdO4J5S/index.html>; China Daily, 6 July 2012: ‘Over 1 million Tibetan nomads choose settlement’, http://www.chinadaily.com.cn/china/2012-07/06/content_15555645.htm; Xinhua, 1 December 2012: ‘Massive nomad settlement to protect “mother river”’, <http://en.people.cn/90882/8041990.html>; The China Daily states over 270,000 nomadic herders have been settled between 2009 and 2012. See China Daily, 6 July 2012: ‘Over 1 million Tibetan nomads choose settlement’, http://www.chinadaily.com.cn/china/2012-07/06/content_15555645.htm; and Central People’s Government of the People’s Republic of China, 5 December 2009, ‘青海3万多户农牧民迁新居：“小财政”托起“大民生”’ [Ch. ‘Qinghai san wan duo hu nong mu min qian xinju: “xiao caizheng ‘tuoqi’ da minsheng’, ‘More than 30,000 farmers and herdsmen in Qinghai moved to their new homes: microfinance support the people’s livelihood’], http://www.gov.cn/jrzq/2009-12/05/content_1481036.htm; Li Yang, 7 August 2015, ‘Families moving into the modern era’, China Daily, http://www.chinadaily.com.cn/china/tibet50years/2015-08/07/content_21525294.htm;

⁷ Human Rights Watch, “*They Say We Should Be Grateful!*” Mass Rehousing and Relocation Programs in Tibetan Areas of China, 4 (June 2013), https://www.hrw.org/sites/default/files/reports/tibet0613webwcover_0.pdf.

⁸ *Id.*

⁹ Regulations of the People's Republic of China on nature reserves, in: FAOLEX, <https://www.fao.org/faolex/results/details/en/c/LEX-FAOC011954/>.

¹⁰ Xinhua News Agency, 14 October 2020, “*Across China: Tibet protects natural areas, improves biodiversity*”, http://www.news.cn/english/2021-10/14/c_1310244131.htm.

parks as supplements”, along which state will “strictly control non-ecological activities within the scope of nature reserves and promote the orderly withdrawal of residents, cultivated land, and mining rights in the core areas. The plan designates a “Qinghai-Tibet ecological barrier zone” with “major engineering projects”, encompassing approximately all Tibetan inhabited regions.”¹¹

10) Chinese State media reported that 17,555 people would be relocated from the village of Tsonyi (CHN: Shuanghu county, Nagchu prefecture) to Sinburi (Senburi) village, Gongkar county, Lhoka in southern Tibet by the end of August 2022. This is part of a larger plan to relocate 130,000 Tibetans by 2025 under the ‘very high-altitude relocation program.’¹²

11) On 10 May 2022, 170 Tibetan nomads were reportedly detained in Cheudru Village, Gade County, Golog (CH: Guoluo) Tibetan Autonomous Prefecture, Qinghai for challenging a Chinese government initiative to confiscate grasslands from families with expired grazing rights certificates.¹³ Following China’s invasion of Tibet in 1949-50, China privatized communal grasslands and assigned households with grazing rights for fixed terms from 50 to 70 years, with no clarity about a renewal process. The recent reclamation of grasslands by the Chinese government suggest that no renewal mechanisms exist and nomads are being forced off their land.

12) The Standing Committee of the 13th National People's Congress held its 38th session in December 2022 to review, among others, the draft of the “Qinghai–Tibet Plateau Ecological Conservation Law”.¹⁴ The draft law mentions how for “systematic protection and zoning and classification management of national parks, measures such as strengthening grazing prohibition and confinement, and strengthening degraded grasslands” will be taken and how “it is strictly forbidden to damage ecosystem functions or not comply with differentiated management”.¹⁵ Among the measures to be taken to achieve environmental protection on the “Qinghai-Tibet Plateau”, the draft also mentions relocations (Art. 30), while, at the same time it fails to stipulate processes for consultation, for achieving free, prior and informed consent, for redress or compensation for affected individuals who are to resettle. The law is likely to be enacted by mid-2023.

Recommendations

13) In its response to the List of Issues, the State party states that relocation programs are “voluntary”. It does not respond to the Committee’s request for information on complaints by affected Tibetans, sought in public or in court. Notably, an absence or a small number of complaints does not signify the absence of coercion, but may rather indicate that there are barriers to the invoking of the rights in the Covenant, including a lack of public awareness of the rights under the Covenant; a lack of access to, availability of or confidence in methods for seeking judicial recourse; or fear of reprisals.¹⁶

14) Any meaningful intervention to protect Tibet’s environment relies on strong links between nature, people and culture. It is people, guided by their cultural values, who can most effectively implement and sustain environmental interventions. The denial of civil and political rights leads to the most qualified and

¹¹ Xinhua News Agency, March 12, 2021, “*Outline of the People's Republic of China 14th Five-Year Plan for National Economic and Social Development and Long-Range Objectives for 2035 (中华人民共和国国民经济和社会发展第十四个五年规划和2035年远景目标纲要)*”; in particular see “Part Eleven - Promote green development and facilitate the harmonious coexistence of people and nature”.

¹² ‘International Campaign for Tibet, *Mass relocations continue: 17,000 Tibetans leave homes by August*, 5 July 2022, <https://savetibet.org/mass-relocations-continue-17000-tibetans-to-leave-homes-by-august/>.

¹³ ‘170 Tibetans detained after opposing land confiscation’, *Free Tibet*, 13 May 2022, <https://freetibet.org/latest/170-detained-after-opposing-land-confiscation/>.

¹⁴ National People’s Congress, *Law of the People’s Republic of China on Ecological Conservation on the Qinghai–Tibet Plateau (2nd draft)*, December 2022, <https://npcobserver.com/wp-content/uploads/2022/12/Qinghai-Tibet-Plateau-Ecological-Conservation-Law-2nd-Draft.pdf>.

¹⁵ Gabriel Lafitte, *Ecologies of exclusion*, in: Rukor, 18 December 2022, <https://rukor.org/ecologies-of-exclusion/>.

¹⁶ See also on absence of complaints, Committee on the Elimination of Racial Discrimination, *Concluding observations on the combined fourteenth to seventeenth periodic reports of China*, 19 September 2018, CERD/C/CHN/CO/14-17.

ideally placed first line of defense being excluded from shaping and implementing a sustainable response to environmental and climate changes.

15) The State party should:

- Pursue development and environmental policies that respect the economic, social and cultural rights of Tibetans and are inclusive of local populations, in line with the United Nations Sustainable Development Goals¹⁷;
- Halt and review relocation policies in the Tibet Autonomous Region and in Tibetan areas outside the TAR, in order to safeguard their compliance with Art. 1 of the Covenant;
- With regard to environmental policies, in accordance with the “Framework Principles on Human Rights and the Environment¹⁸, respect principles of equal treatment (framework principle 3), community participation (4, 9), information transparency (6-7), freedom of speech (5), and fair treatment of local communities (15)¹⁹, and in accordance with General Comment 26 of the Committee, with regard to relocation policies, in general, respect principles of Free, Prior and Informed Consent;
- Enact laws that provide for safeguarding principles of Free, Prior and Informed Consent and access to justice, including remedy, redress and compensation²⁰; review and amend existing laws that disregard principles of Free, Prior and Informed Consent;
- Provide for access to justice, with an independent judiciary, for individuals subjected to relocation programs;
- Provide detailed information on cases of redress, remedy and compensation sought by affected Tibetans, and rejected or granted by the authorities.

V) RIGHT TO WORK (art.6)

Coercive labour programs

Overview

16) China's forced relocation policies²¹ have also contributed to the subjection of Tibetans to coercive labour programs. As recent research has indicated, these entail military-style political indoctrination, training and assignment to workplaces, most likely not voluntarily, and under unclear remuneration schemes. In 2019 and 2020, the Tibet Autonomous Region introduced the "2019-2020 Farmer and

¹⁷ See also European Parliament, 12 September 2018, ‘European Parliament resolution of 12 September 2018 on the state of EU-China relations’, http://www.europarl.europa.eu/doceo/document/TA-8-2018-0343_EN.html.

¹⁸ UN Special Rapporteur Knox, “*Framework Principles on Human Rights and the Environment*”, 2018, A/HRC/37/59.

¹⁹ Framework Principle 15 states: “States should ensure that they comply with their obligations to indigenous peoples and members of traditional communities, including by: (a) Recognizing and protecting their rights to the lands, territories and resources that they have traditionally owned, occupied or used; (b) Consulting with them and obtaining their free, prior and informed consent before relocating them or taking or approving any other measures that may affect their lands, territories or resources; (c) Respecting and protecting their traditional knowledge and practices in relation to the conservation and sustainable use of their lands, territories and resources; (d) Ensuring that they fairly and equitably share the benefits from activities relating to their lands, territories or resources.” UN Special Rapporteur Knox, op. cit.

²⁰ See in particular United Nations Environment Programme, 2021, ‘Principle 10’, <https://www.unep.org/civil-society-engagement/partnerships/principle-10>.

²¹ See above, IV), para 6-8.

Pastoralist Training and Labor Transfer Action Plan”,²² which includes measures for the training and transfer of "rural surplus laborers" to certain parts of the TAR and PRC.²³ "The labor transfer policy mandates that pastoralists and farmers are to be subjected to centralized 'military-style' vocational training, which aims to reform 'backward thinking' and includes training in 'work discipline,' law, and the Chinese language,"²⁴ revealing a discriminatory perception and widespread social stigma towards Tibetans.

Developments since the previous submission from December 2020

17) On 31 August 2022, the Office of the High Commissioner for Human Rights published the report²⁵ “Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People’s Republic of China”. According to the report, “Serious human rights violations have been committed in XUAR in the context of the Government’s application of counter-terrorism and counter-“extremism” strategies. The implementation of these strategies, and associated policies in XUAR has led to interlocking patterns of severe and undue restrictions on a wide range of human rights. These patterns of restrictions are characterized by a discriminatory component, as the underlying acts often directly or indirectly affect Uyghur and other predominantly Muslim communities.” The report raises specific concerns with regard to “labour schemes” applied in the Xinjiang Uyghur Autonomous Region, as the Chinese government, by closely linking its poverty alleviation schemes, in the context of the so-called “Vocational Education and Training Centres (VETC) to the prevention and countering of religious “extremism”, on the one hand uses such schemes to arbitrarily detain considerable parts of the Uyghur population. On the other hand, the OHCHR raises concerns with regard to publicly available information on “surplus labour” schemes which suggest that various coercive methods may be used in securing “surplus labourers”. The assessments cites official documents that stipulate to “transform them from farmers to industrial workers”, while warning against Uyghurs who are reluctant to participate, “despite being able to go out for employment”, or for “having old-fashioned and stubborn ideas”. The OHCHR assessment concludes that “there are indications that labour and employment schemes, including those linked to the VETC system, appear to be discriminatory in nature or effect and to involve elements of coercion”.

Recommendations

18) The OHCHR’s depiction of the labour schemes and policies as applied by the Chinese government in the XUAR reveals similarities compared to reports on policies adopted in the Tibet Autonomous Region. While the situation in Xinjiang and Tibet is not identical, the parallels are apparent. In both regions, the Chinese government, for several decades, has been implementing repressive policies towards an ethnic group and its cultural identities. In both regions, discriminatory perceptions and social stigma towards Tibetans and Uyghurs are widespread. In both regions, repressive policies seek to reeducate and “sinicize” the population, while relevant policies introduced in one region have been adopted in the other and vice versa. This is also apparent in terms leadership positions. In 2016, TAR CCP secretary Chen Quanguo was appointed Party secretary of the XUAR.²⁶ In 2021, XUAR top Party official Wang Junzheng has been appointed Party secretary of the TAR.²⁷

19) It should also be noted that, specifically, the absence of an independent judicial system and lack of access to justice and, overall, the implementation of elements of totalitarian rule in Tibet by the Chinese

²² Adrian Zenz, *Xinjiang's System of Militarized Vocational Training Comes to Tibet*, in: (China Brief 2020, Volume: 20, issue: 17), 22 September 2020, <https://jamestown.org/program/jamestown-early-warning-brief-xinjiangs-system-of-militarized-vocational-training-comes-to-tibet/>.

²³ *Id.*

²⁴ *Id.*

²⁵ OHCHR, “Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People’s Republic of China”, 31 August 2022; on employment and labour issues see p. 36-40.

²⁶ International Campaign for Tibet, 19 December 2018, “*The origin of the ‘Xinjiang model’ in Tibet under Chen Quanguo: Securitizing ethnicity and accelerating assimilation*”, <https://savetibet.org/the-origin-of-the-xinjiang-model-in-tibet-under-chen-quanguo-securitizing-ethnicity-and-accelerating-assimilation/>-

²⁷ Radio Free Asia, 21 October 2021, “*Dread among Tibetans as ‘butcher of Xinjiang’ named new Tibet party boss*”, <https://www.rfa.org/english/news/tibet/ccp-wang-10212021171253.html>.

authorities have led to a pervasive climate of fear that per se precludes the assumption of free, prior and informed consent given by those affected by state measures. State measures, such as labor programs as described above, which have a significant impact on an individual's personal life and which are implemented in a pervasive climate of fear, should therefore be viewed as coercive and discriminatory and as an infringement of rights according to the Covenant, and also considered to represent breaches of safeguards stipulated by relevant ILO conventions²⁸.

20) The response of the State party to the List of Issues fails to indicate any information on labour transfer and training schemes and policies in Tibet.

21) The State party should:

- **Make publicly available information on the design and implementation of labour transfer and training schemes in the Tibet Autonomous Region and other Tibetan regions;**
- **Provide for access to justice, with an independent judiciary, for individuals participating in labour transfer and training schemes in the Tibet Autonomous Region;**
- **Halt and review labour transfer and training schemes in the Tibet Autonomous Region, in order to safeguard their compliance with Art. 6 of the Covenant and relevant ILO Conventions 29, 105, 111 and 122.**

VI) HUMAN RIGHTS DEFENDERS

22) In 2022, the International Campaign for Tibet published a report²⁹ that analyzes information on 50 cases of known Tibetan environmental defenders who have been reportedly persecuted by the Chinese government since 2008. The report outlines a pattern adopted by the Chinese authorities, according to which local Tibetans, who advocate for the protection of the environment and for social and development related issues, are subjected to harassment and criminal persecution, detention and ill-treatment.

23) The Tibetan Anya Sengdra is a nomad and community leader from Gade (CHN: Gande) County, Golog (Guoluo) Tibetan Autonomous Prefecture, Qinghai Province. He is an environmental activist who peacefully campaigned against alleged corruption, illegal mining activities and the illegal hunting and poaching of endangered animals in Tibet. In 2014, Sengdra co-founded a voluntary organization called 'Mongdon Ling' ('Public Affairs Forum') to fight corruption and the abuse of power. Sengdra was arrested for his activist work on 4 September 2018 at the age of 47 years. 6 December 2019 the Gade County court sentenced Sengdra to seven years imprisonment for "picking quarrels and provoking trouble", "gathering people to disturb public order", and other evil cases under Article 290 and Article 293 of China's Criminal Law. He is expected to be released on 3 September 2025. During his trial, Sengdra's WeChat discussions on corruption, environmental protection and petitions to the local authorities was used as evidence used against him. Prior to his trial, residents of three townships- Kyangche (CHN: Jiangqian), Gongmey (Xiazangke) and Ganglung (Ganglong) in Gade County, Qinghai Province submitted three separate petitions government leaders and the People's Procuratorate Office calling for Sengdra's release.³⁰ Sengdra

²⁸ On 20 April 2022, the National People's Congress of China approved ratification of the Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105). Previously China had already ratified other relevant ILO conventions including the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Employment Policy Convention, 1964 (No. 122), which provide for equality of opportunity and treatment without discrimination based on race and religion in employment and education, and for free choice of employment.

²⁹ International Campaign for Tibet, June 2022, "Environmental defenders of Tibet", https://savetibet.de/wp-content/uploads/2022/06/2205-ICFT-Report_V8.pdf.

³⁰ TCHRD, no date, "Tibetans call for release of popular anti-corruption activist who remains in prolonged detention without trial", <https://tchrd.org/tibetans-callfor-release-of-popular-anti-corruption-activist-who-remain-in-prolonged-detention-without-trial/>.

appealed his verdict but was rejected on 17 June 2020.³¹ In May 2020, four UN human rights experts and the UN Working Group on Arbitrary Detention had urged the Chinese government to drop charges against him;³² yet, more than two years later, he remains in jail, and his health has reportedly deteriorated due to poor detention conditions.

24) The Tibetan Karma Samdrup is a philanthropist and an award-winning environmental activist who co-founded the Three Rivers Environmental Protection Group.³³ Samdrup was arrested on 3 January 2010 at the age of 42 and sentenced to 15 years imprisonment for involvement in a previously dismissed 12-year old case of grave robbing. His prison sentence was widely viewed as punishment for his lobbying for the release of his two brothers, Rinchen and Chime Namgyal, who had been detained by Chinese officials after speaking out against a local police chief who hunted endangered species on a Tibetan nature reserve. His brothers received 5-year and 21-month prison sentence respectively. During his trial, Karma reported being subjected to beatings, sleep deprivation, and maltreatment while in custody following his arrest.

Recommendations

25) The State party should:

- **Effectively address threats, attacks, harassment and intimidation against human rights defenders, by government authorities and private corporations, including by thoroughly, promptly and independently investigating human rights violations and abuses against them, bringing the perpetrators to justice in fair trials and providing effective remedies and adequate reparation to the victims;**
- **Urgently release the Tibetan Anya Sengdra who has been sentenced to seven years in prison because of his activism on environmental and social issues. Furthermore, urgently release the Tibetan Karma Samdrup who has been sentenced to a prison term solely because of his advocacy against corruption and for the protection of the environment.**
- **Urgently release all those Tibetans who have advocated on consequences of land use policies, mining, damming or poaching.**
- **Be referred to the Committee's statement on human rights defenders and economic, social and cultural rights that it adopted in 2016.³⁴**

VII) CULTURAL RIGHTS (art. 15)

Overview

26) The Chinese Communist Party (CCP)'s policy of enforced "**sinicization**" of ethnic and religious groups (i.e., assimilation into Han Chinese, CCP-approved culture, with the goal of forging a unified, national Chinese identity) violates numerous human rights of Tibetans, including the right of religious freedom, the rights to freedom of expression and belief, and language and other cultural rights. This poses a direct threat to the survival of Tibetan culture and Tibetans' way of life.³⁵

³¹ International Campaign for Tibet (ICT), 18 June 2020, 'Court rejects appeal of Tibetan anti-corruption campaigner', <https://savetibet.org/court-rejects-appeal-of-tibetan-anti-corruption-campaigner/>.

³² OHCHR, 'UN experts urge China to drop charges against jailed Tibetan minority human rights defender', 19 May 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25894&LangID=E>.

³³ ICT, 4 August 2010, "'A sharp knife above his head": the trials and sentencing of three environmentalist brothers in Tibet', <https://savetibet.org/a-sharp-knifeabove-his-head-the-trials-and-sentencing-of-three-environmentalist-brothers-in-tibet/>.

³⁴ [E/C.12/2016/2](https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25894&LangID=E)

³⁵ Chris Buckley et al, "One Nation under Xi -- How China's Leader is Remaking Its Identity," New York Times, 11 October 2022, <https://www.nytimes.com/2022/10/11/world/asia/xi-jinping-china-nationhood.html> ; "100 Years of Suppression: The CCP's Strategies in Tibet, The Uyghur Region and Hong Kong," Human Rights Foundation Center for Law and Democracy, August 2021, pp. 11, 26, 32-33, <https://hrf.org/wp-content/uploads/2021/12/CCP-100-Years-of-Suppression-FINAL-VERSION.pdf>

27) The so called Sinicization policy affects the enjoyment of cultural rights in Tibet on a large scale. Chinese government policies intervene into Tibetan ways of life through relocation policies (see above), through the systematic control of and intervention in Tibetan Buddhists' religious practice, and through the prioritizing of Chinese language in education. The Chinese authorities, in addition, persecute independent cultural expression not sanctioned and controlled by the state. As a result, Tibetan writers, intellectuals and thought leaders are systematically harassed, detained and sentenced to prison terms, apparently in an attempt to deny cultural agency to Tibetans, outside CCP prescribed narratives and processes.

Religion

28) The Chinese government continued carrying out its 2019-2023 five-year plan to “Sinicize” Buddhism in China by emphasizing loyalty to the CCP and the state. The plan included Tibetan Buddhism, with the involvement of the state-run Buddhist Association of China. The CCP's Administrative Measures for Religious Organizations, promulgated in 2020, further formalized administrative procedures for “Sinicizing” all religions, including Tibetan Buddhism, to “follow the path of socialism with Chinese Characteristics.”

29) The CCP's efforts to intervene in the reincarnation process of Tibetan spiritual leaders in and outside Tibet is an egregious violation of Tibetan Buddhists' right of religious freedom and threatens to cause enormous upheaval when the CCP disregards the Tibetan Buddhist leaders' process for determining the current 14th Dalai Lama's reincarnation and anoints its own hand-picked successor as the 15th Dalai Lama. There is disturbing precedent for this profoundly politicized, egregious human rights violation. In 1995, Chinese authorities kidnapped and disappeared a 6-year-old boy, Gendun Choekyi Nyima, and his family, just three days after the present Dalai Lama recognized him as the reincarnation of the 11th Panchen Lama. Shortly thereafter, Beijing installed its own “Panchen Lama,” Gyaltzen Norbu. Gendun Choekyi Nyima and his family have not been seen since 1995.³⁶ UN special procedures and treaty bodies have consistently raised the case of the Panchen Lama with the Chinese government and have urged the Chinese government to respect the religious rights of Tibetan Buddhists to appoint their clergy without intervention of the government.

30) Controls on Tibetan Buddhist monasteries looked set to tighten with the coming into force of China's “Measures for the Financial Management of Religious Activity Sites.” The measures jointly formulated by China's National Administration for Religious Affairs and Ministry of Finance come into effect today, June 1, 2022. This latest legal instrument—in accordance with the Religious Affairs Regulation promulgated in 2017—to control the finances of religious activity sites replaces the “Measures on the Supervision and Management of Financial Affairs for Religious Activities (Trial)” promulgated in 2010. Over the years, the Chinese state has promulgated various regulations to bring Tibetan monasteries and monastics under tighter control of the state, including oversight of financial affairs of monasteries. These were the second measures related to religion that have come into effect in the first half of 2022 after the “Measures on the Administration of Internet Religious Information Service” in March 2022.³⁷

31) Chinese authorities' have demolished two large Buddha statues around a prominent monastery in Drango (Chinese: Luhuo) county in the Kardze (Ganzi) Tibetan Autonomous Prefecture in Sichuan

³⁶ “UN experts write to China on Panchen Lama, reincarnation rules,” International Campaign for Tibet, 4 August 2020, <https://savetibet.org/wp-content/uploads/2020/08/08042020-UN.pdf>; Full text of communication (2 June 2020) from five UN experts (special procedures) to the Chinese government about the ongoing enforced disappearance of the Panchen Lama,

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25294>.

³⁷ <https://savetibet.org/tibetan-monasteries-face-tighter-control-under-new-religious-financial-management-measures/>

province, and have detained a number of Tibetans. Such statues are important expressions of Buddhist religious life.³⁸

32) The government-backed Chinese Buddhist Association in the coastal province of Guangdong has called to “resolutely resist illegal preaching by Tibetan monks” in a move similar to previous notices issued in China’s Shanxi Province. The notice by the Buddhist Association of Yunfu city, made public by the Rights Protection Network in July 2022, states that “illegal preaching” had “seriously affected the interests of believers, property safety, family safety and social harmony.” While referring to Tibetan Buddhist teachers as “outlaws” who pretend to be “living Buddhas” to “cheat” on or even sexually exploit believers, the notice unmistakably underscores the political nature of regulations and rules pertaining to Tibetan Buddhism. It cites national laws and regulations that ban Tibetan Buddhist monks from leaving “the Tibetan area,” and, most notably, the notice warns of “religious infiltration by overseas Tibetan Buddhist monks.”³⁹

33) The Communist Party of China has adopted a slew of measures to mitigate the spread of the Tibetan tradition of Buddhism in mainland China and the influence of Tibetan religious teachers in Chinese society. Amid the CCP’s growing measures is the latest effort to curb the practice of mainland China-based Han Chinese followers of Tibetan Buddhism at the renowned Serthar Larung Five Sciences Buddhist Academy (popularly known as Larung Gar) in Serthar (Chinese: Seda) County, Sichuan. The International Campaign for Tibet has learned that the once-burgeoning Han Chinese practitioner population has trickled to a minuscule number at the academy in the wake of a campaign targeting Han Chinese practitioners that has been noticeable since mid-2019. The campaign has stepped up recently since November 2021, resulting in the bulk of the coercive separations of Chinese Buddhist practitioners from the academy. Several measures are in place to ensure the removal of Chinese Buddhist practitioners from Larung Gar. Among these measures, the authorities have required the Chinese practitioners to return to their native hometowns in the mainland. Once they reach their respective hometowns, they are required to report and register their arrival at their local police station. To prevent them from returning to Larung Gar, they are also required to report to their local police station regularly. Beefed-up security checkpoints along the land route to Larung Gar also ensure they are not able to make their journey back to the academy. Night security have been put in place, and the trekking routes through the mountains to the academy are also manned by security personnel around the clock. Another measure is for the police stationed at the academy and the management committee to periodically search the monastic dwelling huts to evict the practitioners who have anyhow managed to re-enter despite the odds they were up against.

34) Disturbing footage emerged from China’s Gansu province, where local authorities shut down a Tibetan Buddhist monastery and ordered the monastics to disrobe. Chinese diaspora media outlet Mingde reported on the situation at Kharmar (Chinese: Hongcheng) Monastery, with video clips depicting officials carrying out forced evictions, monastics staging a sit-in to protest having to leave their monastic lives, nuns crying as an elderly teacher walks down an aisle and a monk threatening to jump off a roof. Although some local government officials feigned ignorance of the eviction, provided outright denials or declined to respond to inquiries by the US-based Radio Free Asia, one employee of the Yongjing county ethnic minority and religious affairs bureau gave a tacit confirmation, telling RFA that “Director Cui of the monastery management committee was responsible for resettling the monks and nuns.” Chinese officials typically frame forced eviction as “resettlement” and arbitrary detention as receiving “political and legal education.” Although the motive for shutting down the monastery is unclear, reports say it dates back to a donation the monastery allegedly made to help combat the COVID-19 pandemic in China.⁴⁰

35) A new code of conduct for members of the Chinese Communist Party in the Tibet Autonomous Region explicitly forbids party members from all forms of religiosity in both public and private life. The

³⁸ International Campaign for Tibet, January 10, 2022, ‘CCP demolishes important Buddha statues, detains Tibetans’, <https://savetibet.org/ccp-demolishes-important-buddha-statues-detains-tibetans/>.

³⁹ <https://savetibet.org/ban-on-tibetan-buddhist-teachers-in-guangdongs-yunfu-city/>

⁴⁰ <https://savetibet.org/china-shut-downs-historic-monastery-evicts-monks-and-nuns/>

six-point code of conduct, currently in trial, is significant for being perhaps the first party regulation that clearly and comprehensively details the specific types of religiosity forbidden for party members in the TAR. Examples of explicitly forbidden conduct include wearing rosary beads or religious imagery, forwarding or liking religious materials online and circumambulating mountains and lakes. Party members are also required to take on an active role to propagate the party's anti-religion stance by advising relatives to downplay their religious consciousness, not set up altars or hang religious imagery in homes, and seek party approval before inviting religious personnel to conduct rituals for customary occasions such as weddings and funerals. The International Campaign for Tibet obtained the code of conduct document, which has been in internal circulation among party members since April 2021. ICT believes that the "Code of Conduct for Communist Party Members in the Tibet Autonomous Region for Not Believing in Religion" is specifically aimed at Tibetan members in the CCP, despite the document being formally titled as applicable to all Communist Party members in the TAR.⁴¹

36) Individual cases of persecution based on religious belief: A *Tibetan man, Lotse, was arrested in Sersbul County for creating a Wechat group called '80th Birthday celebrations' without prior registration at the police station*; ⁴² in January 2021, Tenzin Nyima, a 19-year-old Tibetan monk, died from injuries sustained from torture while in Chinese custody⁴³. To reinforce 'stability' in Tenzin Nyima's town of Dza Wonpo, Sichuan, Chinese authorities have launched a 'clean up' operation in March 2021 by confiscating photographs of the Dalai Lama from Tibetan homes, detaining residents who have expressed concern about Tenzin Nyima's death online, and requiring residents to download a mobile surveillance application.⁴⁴

Language

37) In Tibet, Putonghua (Mandarin) is rapidly replacing Tibetan as the language of education. Since 1951, "[m]inority education policy in China is a reflection of ethnic policy goals, which have oscillated between ethnic identity promotion and enforced assimilation..."⁴⁵ The idea is that mother-tongue language policies will aid the PRC in gaining political support from non-Han nationalities, which will allow them to widely disseminate government policies, and enforce Mandarin as a way to develop political loyalty, stability, and ethnic unity.⁴⁶ The only perceived benefit of cultural diversity for the Chinese is the potential for greater development of political loyalty with Chinese nationalist values.⁴⁷ China has promoted its so called Sinicization agenda under the pretense of "nationality unity" by using terms such as "bilingual education", "mixed classes", "concentrated schooling", and "ethnic mingling".⁴⁸

38) Since the 1990s, there has been a clear shift from Tibetan-medium education to Putonghua.⁴⁹ The National Long-Term Education Reform and Development Plan (2010-2020) and the Thirteenth Five Year Development Plan for National Language Works (2016-2020) promote the use of written and spoken Mandarin as the official national language of the PRC.⁵⁰ The language and culture of the Han majority are inculcated daily at boarding schools. "As a result, native language and cultural proficiency wanes, and many Tibetan students lose their ability to read and write in their first language."⁵¹ PRC authorities claim that in Tibet, primary schools are given the choice of whether to teach in Tibetan or Chinese, but evidence

⁴¹ <https://savetibet.org/code-of-conduct-forbids-religiosity-by-tibetan-ccp-members/>

⁴² 'China warns Tibetans not to post birthday wishes online for exiled abbot', 4 August 2022, Radio Free Asia, <https://www.rfa.org/english/news/tibet/kirti-rinpoche-08042022175953.html>.

⁴³ 'China: Tibetan Monk Dies from Beating in Custody', Human Rights Watch, 21 January 2021, <https://www.hrw.org/news/2021/01/21/china-tibetan-monk-dies-beating-custody>

⁴⁴ 'Counterterrorism Police "Clean Up" After Tibetan Monk's Death', 7 April 2021, Human Rights Watch <https://www.hrw.org/news/2021/04/07/counterterrorism-police-clean-after-tibetan-monks-death>.

⁴⁵ Yang Bai, *Hybridity and Tibetan language education policies in Sichuan*, 28 J. of Rural Educ., 13 (2018).

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ Human Rights Watch, *China: Tibetan Children Denied Mother-Tongue Classes, 'Bilingual' Policy Threatens Tibetan-Medium Education*, (Mar. 5, 2020), <https://www.hrw.org/news/2020/03/05/china-tibetan-children-denied-mother-tongue-classes#>.

⁵⁰ *Id.*

⁵¹ *Id.*

has shown that schools are pressured into using Chinese as a medium of instruction. "In June 2016, the Lhasa Education Bureau announced that Chinese was being used as the medium of instruction...in a majority of primary schools in the counties around Lhasa, including rural areas outside the region's capital city."⁵²

39) In just six years, between 2001 and 2007, Putonghua replaced Tibetan as the language of education in Tibet. "In 2007, 95 per cent of all TAR primary schools employed Chinese-medium instruction.⁵³ This was a marked shift from 2001, when 95 percent of primary school students studied under Tibetan-medium instruction."⁵⁴ This is due in part to China's lack of commitment to implementing language rights and failure to fund and support Tibetan bilingual teacher training and Tibetan language learning resources, all of which researchers in the field consistently lament about.⁵⁵ This issue is especially problematic for secondary and tertiary schooling, where textbooks are translated into classical Tibetan instead of the local dialects, and they fail to include culturally and geographically relevant material, which consequently fails to stimulate student interest in learning.⁵⁶ The sum of these factors has ended Tibetan-language instruction in secondary schooling and accelerated the transition to Mandarin as a medium of instruction, resulting in higher dropout rates for Tibetan students who struggle to progress to higher levels of education.⁵⁷

Developments since the previous submission from December 2020

40) In the eastern Tibetan areas of Amdo and Kham (incorporated into the Chinese provinces of Sichuan, Qinghai and Gansu), where over half the Tibetan population live, numerous reports have emerged of attacks on Tibetan language and Buddhist study.

41) In November 2021, Drago Monastery School in Kardze (Chinese: Ganzi) prefecture, Sichuan, was demolished on the grounds of land use violations. The school offered a blend of traditional and modern education, including Tibetan language classes, Mandarin Chinese, English and Buddhist doctrines. The school's 130 students have since been forced to return home without access to alternative schools with Tibetan language and cultural education. Many more Tibetan instruction schools across Sichuan were closed by the end of 2020, and those remaining have been threatened with closure if they do not switch to Chinese-language instruction. This same Chinese-language policy is also being pushed across Qinghai. Earlier in July 2021, the Sengdruk Taktse Middle School in Darlag (Dari) County, Golog (Guolu) Tibetan Autonomous prefecture, Qinghai, was also forcibly closed. Rinchen Kyi, a long-serving teacher, was arrested on Aug. 1 2021 for "inciting separatism" after holding a hunger strike mourning the school's closure. After the school's closure, nearby Tibetan-instruction schools were also warned that they may face closure soon. Similar controls are being imposed on informal language classes. In November 2021, all teachers and monasteries in Qinghai were banned from teaching Tibetan in informal classes over the winter holidays.⁵⁸

Persecution of Tibetan writers and intellectuals; self-immolation

42) Go Sherab Gyatso, a Tibetan Buddhist scholar, writer and advocate of Tibet's religious and cultural traditions, was subjected to enforced disappearance and arbitrary detention on 26 October 2020. Over a year later, in November 2021, he was sentenced to 10 years in prison in a closed-trial.⁵⁹ Many details of

⁵² *Id.*

⁵³ 2007 Research report by the TAR Bilingual Education Commission cited in Ma Rong, 2013, 'The Process of Bilingual Education Development in the TAR since 1951', in *Minority Education in China: Balancing Unity and Diversity in an Era of Critical Pluralism* 101 (James Leibold & Yangbin Chen eds.) (2013).

⁵⁴ *Id.* at 97.

⁵⁵ Lubei Zhang and Linda T.H. Tsung, *Tibetan bilingual education in Qinghai: government policy vs family language practice*, 22 *Int'l J. of Bilingual Educ. and Bilingualism*, 299 (2019).

⁵⁶ Eirini Gouleta, *A bilingual education professional development project for primary Tibetan teachers in China: the experience and lessons learned*, *Int'l J. of Bilingual Educ. and Bilingualism*, 6 (2011).

⁵⁷ *Supra* note xx.

⁵⁸ <https://savetibet.org/china-renews-attacks-on-remaining-tibetan-language-schools/>

⁵⁹ Radio Free Asia, 10 December 2021, 'Tibetan writer given 10-year prison term in secret trial', <https://www.rfa.org/english/news/tibet/trial-12102021135859.html>, Tibetan Centre for Human Rights and

Gyatso's case remain unknown, including his charge and the evidence used against him. Gyatso suffers from chronic medical conditions, which he developed while serving a 3-year and 8-month sentence from 1998 to 2001. Gyatso's family are deeply concerned about his health and fear that he may not be able to return home healthy after enduring 10 years of torture, extreme physical labour or negligent medical treatment while in prison. Go Sherab Gyatso's brother, Go Jigme, has submitted a public testimony appealing to governments and UN human rights officers to call for Go Sherab Gyatso's release or a reduced sentence. After a July 2021 communication by four UN Special Procedures (AL CHN 7/2021),⁶⁰ China acknowledged that Go Sherab Gyatso was arrested on the 'suspicion of inciting secession', but did not specify what criminal activities he had allegedly engaged in.⁶¹ China also noted that a public prosecution was filed against Go Sherab Gyatso on 3 February 2021 at the Lhasa Intermediate People's Court and a verdict was pending. Go Sherab Gyatso's case is extremely concerning and suggests that Tibetans' right to peacefully express their opinion, to protect their language and religion are under serious and continued attack. Gyatso's arbitrary arrest, incommunicado detention, closed trial, and severe 10-year prison sentence for the peaceful expression of his opinion reflect China's pattern of relentlessly persecuting dissent and independent thought in Tibet.

43) On 15 February 2022, the popular Tibetan singer, Tsewang Norbu (CHN: Caiwang Luobu), described by *The Economist* as 'like the Chinese government's ideal minority youth'⁶² set himself on fire in front of the Potala Palace in Lhasa. He later died in hospital from his injuries. As a result of strict information controls and increased security personnel across Lhasa, reports of Norbu's self-immolation only reached the international community a week later, while his death was not confirmed until 18 days later.⁶³ Norbu's parents were largely apolitical musical artists, however Norbu's maternal uncle, Sogkhar Lodoe Gyatso, is a political prisoner⁶⁴ currently serving an 18-year sentence for declaring the launch of a world peace movement in front of the Potala Palace on 28 January 2018.⁶⁵

44) In September 2022, the Chinese authorities in Kardze (Chinese: Ganzi) Tibetan Autonomous Prefecture have sentenced six notable Tibetan writers and former political prisoners to four to 14 years in prison on charges of "inciting separatism" and "endangering state security."⁶⁶ According to a reliable source in exile, the Kardze Intermediate People's Court in Sichuan sentenced the following individuals: Gangkye Drubpa Kyab to 14 years, Tsering Dolma to eight years, Samdup to eight years, Gangbu Yudrum to seven years, Seynam to six years and Pema Rinchen to four years of imprisonment.

Recommendations

45) The State party should:

Democracy, 13 December 2021, 'Eminent Tibetan scholar Go Sherab Gyatso sentenced to ten years in prison', <https://tchrd.org/eminant-tibetan-scholar-go-sherab-gyatso-sentenced-to-ten-years-in-prison/>.

⁶⁰ UN OHCHR, 16 July 2021, 'Mandates of the Working Group on Enforced or Involuntary Disappearances; the Working Group on Arbitrary Detention; the Special Rapporteur on minority issues; and the Special Rapporteur on freedom of religion or belief joint communication [AL CHN 7/2021]', <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26506>.

⁶¹ Permanent Mission of the People's Republic of China (No.GJ/43/2021), 27 August 2021, 'Reply from China dated 27 August 2021 to OHCHR joint communication [AL CHN 7/2021] of 16 July 2021', <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36528>.

⁶² 'Deciphering a Tibetan star's self-immolation', *The Economist*, 2 April 2022, <https://www.economist.com/china/2022/04/02/deciphering-a-tibetan-pop-stars-self-immolation>.

⁶³ 'Tibetan singer Tsewang Norbu confirmed dead due to extreme burn', *ICT*, 15 March 2022, <https://savetibet.org/tibetan-singer-tsewang-norbu-confirmed-dead-due-to-extreme-burn/>.

⁶⁴ 'Report of Popular Tibetan singer's self-immolation', *ICT*, <https://savetibet.org/report-of-popular-tibetan-singers-self-immolation/>.

⁶⁵ 'After 20+ years in jail, Tibetan sentenced to 18 months', *ICT*, 10 April 2019, <https://savetibet.org/after-20-years-in-jail-tibetan-sentenced-to-18-more-years-after-demonstrating-for-world-peace/>.

⁶⁶ <https://savetibet.org/6-tibetan-writers-and-former-political-prisoners-sentenced-to-4-to-14-years/>

- in accordance with Art. 15 of the Covenant and in view of General Comment 22 of the Committee recognize, respect and protect Tibetan culture and respect the right of Tibetans to practice their traditions, customs, their religious beliefs, forms of education, languages and other manifestations of their cultural identity and membership, free from State party intervention, in accordance with international law;
- end policies of “Sinicization” that, in effect, intentionally or unintentionally, eradicate core tenets of Tibetan culture, such as language, religious beliefs and ways of life;
- end the persecution of Tibetans exercising their right to freedom of religion or belief; end intervention into the appointment of Tibetan Buddhist clergy;
- end policies of undermining the use of Tibetan language; re-introduce Tibetan language as medium of instruction in schools, allow for privately run Tibetan language schools, particularly in Tibetan Buddhist monasteries;
- end the persecution of independent cultural expression and release all those detained for peacefully exercising their right to freedom of thought and expression; immediately Tibetan writer Go Sherab Gyatso and others.

VIII) PROTECTION OF THE FAMILY AND CHILDREN (art. 10)

Boarding Schools

Overview

46) Under President Xi Jinping’s leadership, the Chinese government has implemented a harmful boarding school system that separates Tibetan children from their families and enforces Chinese-language education. With this attack on the root of Tibetan society, parents now fear that their language, culture, religion and identity will be erased in one generation. Recent reports by the International Campaign for Tibet⁶⁷ and the Tibet Action Institute⁶⁸ reveal China’s vast network of boarding schools for students from the age of 4 years across Tibet and beyond. Across Tibet, at least 800,000 Tibetan children aged 6 to 18 are living in such schools, three out of every four Tibetan students in this age group. Another 100,000 children aged four to six live in pre-school boarding schools.⁶⁹

47) Students live separated from their families and are subjected to highly politicized education in Chinese. Although the Chinese government regularly claim to employ a “bilingual education” model in Tibetan areas, in reality students receive Chinese-language instruction, with one optional Tibetan language class. As a result, Tibetan students become strangers to their families and communities, and subsequently their culture. Parents who withhold children from these schools are punished economically and blacklisted.

Recommendations

48) The State party should:

- end the system of boarding schools in Tibet and beyond Tibet and allow for educational facilities operating to respond to the needs of local communities and families.

IX) COVID-19 RELATED ISSUES

Developments since the previous submission from December 2020

⁶⁷ International Campaign for Tibet, “*Tibetans sent to mainland Chinese schools under guise of “progress”*”, January 12, 2021, <https://savetibet.org/tibetans-sent-to-mainland-chinese-schools-under-guise-of-progress/>.

⁶⁸ Tibet Action Institute, “*SEPARATED FROM THEIR FAMILIES, HIDDEN FROM THE WORLD - China’s Vast System of Colonial Boarding Schools Inside Tibet*”, December 2021, https://s7712.pcdn.co/wp-content/uploads/2022/01/2021_ColonialBoardingSchoolReport_Digital.pdf

⁶⁹ New York Times, 11 October 2022, “*One Nation Under Xi: How China’s Leader Is Remaking Its Identity*”, <https://www.nytimes.com/2022/10/11/world/asia/xi-jinping-china-nationhood.html>.

49) In a rare admission to the public, the municipal government of Lhasa City on 17 September 2022, admitted mishandling the COVID-19 outbreak in Tibet's capital since 7 August 2022, when a rigorous lockdown was imposed. Admitting the hardships caused to the public and the failure to provide services, the statement, however, stopped short of admitting the failure of the Zero-COVID policy formulated by the Chinese Communist Party leadership in Beijing. On the contrary, "Tibet Autonomous Region" (TAR) Party Secretary Wang Junzheng declared during the TAR CCP standing committee meeting on the morning of 19 September 2022 that there would be no change in the Zero-COVID policy. The statement came alongside a stepping up of censorship and clamping down on those who openly expressed their grievances and pleas.⁷⁰

50) In September 2022, a spate of suicides took place in Lhasa. In the span of two days, at least five people took their own lives by jumping to their deaths in various parts of Lhasa and its suburbs, according to sources the International Campaign for Tibet reached out to. A closer analysis of the five known suicides between Sept. 23-24 suggests that all were due to the extreme hardships endured under China's zero-COVID policy restrictions. The psychological impact of living a highly controlled life in COVID lockdowns and inside mass state-mandated quarantine sites may have driven all five Tibetans to commit suicide by jumping off buildings.⁷¹

51) At the same time, Chinese authorities launched an internet rectification drive to trace and clamp down on the individuals who criticized and challenged the authorities online. Viral threads highlighting government mismanagement were soon removed and a public notice was issued on Sept. 18 by the Lhasa Public Security Bureau threatening investigation and punishment "for those who maliciously create, spread rumors, and incite illegal gatherings to cause trouble."

52) The deployment of a large security apparatus across counties in Tibet and silencing of public expression has also resulted in the rise of arbitrary detention and inhumane treatment in detention centres under so-called COVID-19 prevention and control measures.

53) On Aug. 24, 2022, just two weeks after the imposition of a rigorous lockdown, five Tibetans from Khakor (Chinese: Keguo) Township in Serthar (Ch: Seda) County, Karze Tibetan Autonomous Prefecture, were arbitrarily detained on charges of engaging in outdoor religious activities including incense offering, stacking cairn stones and performing rituals.

54) The five detainees were Chukdhar, Gelo, Tsedo, Bhamo and Kori, according to a report by the exile Tibetan newssite "Tibet Times". The five were affectionately known as the "Noble five" and were appointed by the local community to lead religious activities. Of the five detained at Serthar County police station, Chukdhar, 52, reportedly died to excessive beating in custody. On August 25, 2022, his family members sought to deliver food and were refused entry and returned. They were informed the next day that he had passed away and were asked to collect his body. The family members, led by his 71-year-old father Thupwoe, were told by the police that he didn't die at the hands of the police and that the family must sign a letter attesting to it if they want to collect his body. The family refused to accept the police account and insisted that he must have died from beating, as he was perfectly healthy prior to his detention. They also made it known that he was the sole earner of the family consisting of his elderly parents, spouse and kids. The police refused to take any responsibility for Churthar's death, but promised to pay 100,000 yuan to the family and 10,000 yuan (USD 14,200) to each family member every year. The family has not received anything as of September 19, when the report first came out. The four other detainees were kept at Serthar police station for a week and then moved to Kardze police station on August 31 where they face the risk of conviction.⁷²

⁷⁰ <https://savetibet.org/lhasa-authorities-admit-mishandling-covid-outbreak/>

⁷¹ <https://savetibet.org/inhumane-covid-restrictions-lead-to-despair-and-suicides-in-tibet/>

⁷² Tibet Times, 19 September 2022, ཀའམ་རྩ་ལྷན་པོ་གི་མེ་མུ་འཛིན་བཟུང་བྱས་ཏེ་མི་གཅིག་བསལ་དུ་ཡོད་འདུག, <https://tibettimes.net/2022/09/19/222146/>.

55) COVID-related arbitrary detentions have also continued. A Tibetan woman named [Yangdon](#) was detained on Nov. 15 and remains disappeared. She was out shopping when police officers took her away, presumably for posting online comments related to authorities and staff abusing their power to create trouble for Tibetans. The source further stated that many Tibetans, nurses and teachers were detained for voicing their criticism of the mishandling by the authorities.

56) Four Tibetan women, Zamkar, Kelsang Dolma, Dechen and Delha – all in their 20s and residents of Dartsedo (Kanding) county, Kardze (Ganzi) TAP – were also detained on December 5 and as at December 22, remain unaccounted for. The women were detained in their hometown after participating in anti-lockdown protests in Chengdu. While their location is unknown, it is suspected that they are undergoing political re-education.⁷³ Another young Tibetan woman named Tsewang Lhamo was also reportedly detained in Nanjing for participating in the anti-COVID student protests.⁷⁴

57) Tibetans face a precarious health and economic situation, as Tibetans are left unequipped to face the pandemic and protect themselves from government mismanagement and abuse. This is already being seen in the recent news from inside Tibet, as increasingly ill people struggle to access adequate medical care and supplies.⁷⁵ In one instance, as shown in a video on YouTube, apparently taken in a hospital in Tibet, a father is kneeling down to a doctor crying that his child's fever is serious and he cannot get a number in queue. The doctor is also kneeling down saying that there was nothing he can do.⁷⁶

58) COVID deaths are surging in Tibetan areas of China after strict lockdowns aimed at controlling the spread of the disease were ended by Chinese authorities in early December, Tibetan sources say.

59) According to a report by Radio Free Asia, more than 100 people have died in Tibet's capital Lhasa since restrictions under Beijing's zero-COVID policy were lifted on 7 December 2022, following widespread protests across China, a source living in Tibet said.⁷⁷

Recommendations

60) The State party should:

- **Implement health related policies that are proportional and effective, in particular with regard to the rights of affected individuals;**
- **Protect the space for journalists, defenders, medical professionals and experts, including scientists, to speak freely without threat of disciplinary action or reprisals; and ensure safe procedures for whistleblowing in the health sector, which are critical for professionals to carry out their work without fear of retaliatory lawsuits or intimidation.**⁷⁸

X) NON-DISCRIMINATION (art. 2(2))

Tibetan representation in public administration

Overview

61) Tibetans are vastly underrepresented in leadership positions in party, government, and military, on both provincial and local levels. "In a system where the Chinese Communist Party has all the power, non-

⁷³ Radio Free Asia, 22 December 2022, 'Concern grows over Tibetan women detained amid COVID lockdowns', <https://www.rfa.org/english/news/tibet/women-12222022162537.html>.

⁷⁴ Phayul, 9 December 2022, 'China arrests four Tibetan women in the wake of lockdown protests', <https://www.phayul.com/2022/12/09/47779/>, and <https://tibettimes.net/2022/12/01/223167/>.

⁷⁵ Tibet Times, 19 December 2022, 'Tibetan title to be translated'. <https://tibettimes.net/2022/12/19/223370/>.

⁷⁶ See timestamp 7:00 of "China insights youtube" video, 26 December 2022, 'Unprecedented! Covid sweeps China and overwhelms funeral homes/Takes away NOT just the elderly', <https://www.youtube.com/watch?v=J3ixHGE72cE>.

⁷⁷ <https://www.rfa.org/english/news/tibet/tibet-covid-01042023173649.html>

⁷⁸ See United Nations, A/HRC/46/19, *Impact of the coronavirus disease (COVID-19) pandemic on the enjoyment of human rights around the world, including good practices and areas of concern*, 18 January 2021.

Tibetans hold every party position at the provincial level in Tibetan areas, [and] [n]on-Tibetans also hold the majority of party positions at the prefecture level in Tibetan areas."⁷⁹ This is due to China's lack of trust towards Tibetans, despite China's claims that Tibetans have equal opportunities to serve in government.⁸⁰ "Throughout Tibet, the most critical and strategically important positions are not in the hands of Tibetans", nor are any of the positions democratically elected.⁸¹

Developments since the previous submission from December 2020

62) On Dec. 13, 2022 Wang Qiang replaced Gho Khog, the Tibetan mayor of Lhasa since 2016. This change of leadership comes in the wake of the recent COVID-19 crisis in Lhasa, with similar changes seen in the mayors of Shigatse (Chinese: Rikaze) and Chamdo (Changdu), other cities in Tibet that were hit hard by COVID. While Wang Qiang (Chinese) replaced Gho Khog (Tibetan) as the mayor of Lhasa, x) Wang Fanghong (Chinese) replaced Zhou Feng (Chinese) as mayor of Shigatse, and Luo Qingwu (Tibetan) replaced Chen Jun (Chinese) as mayor of Chamdo. All three new mayors were appointed on the same day.⁸²

63) Although Chinese propaganda depict mayors as being elected by the local legislative body, mayors in Tibet are in effect selected by the Chinese Communist Party, as the party has the final say in the selection process. Through the office of the Mayor, the CCP shapes policy and decision-making in Lhasa by influencing the budget and agenda for the local government and shaping public discourse. Mayors serve as a key link between Beijing and the local level in ensuring that Beijing's goals and objectives are achieved within Tibetan areas. Although mayors do not make policy decisions, they have strong influence on the policymaking process and its resultant decisions.

64) With the appointment of Wang Qiang as the mayor of Lhasa, the Tibetan capital city is run almost entirely by Chinese, with a Chinese person also serving as the head of Lhasa government. The 12th People's Congress in November 2021 announced that Gho Khog was reappointed as the Mayor with 14 Vice-Mayors. Although Gho Khog was Tibetan, 11 of the Vice-Mayors were Chinese and three were Tibetans, making the composition 79% Chinese and 21% Tibetan. With Wang Qiang replacing Gho Khog, both the head and the deputy heads of the Lhasa government are clearly commanded and controlled by Chinese, with at least six of them (three each from Beijing and Jiangsu) holding the designation of "aid-to-Tibet" cadres. Similarly, the local governments of Shigatse and Chamdo are run by Chinese with Tibetans accounting for around 30% in the leadership positions.

Recommendations

65) The State party should:

- **respect the principles of the right to self-determination and allow for Tibetan representation in public office and administration, in order to safeguard genuine and real autonomy of the Tibetan people, and end discrimination of Tibetan participation in public office and administration.**

XI) REPRISALS ON LAW FIRMS AND LAWYERS

Overview

⁷⁹ *Analysis: Tibetans denied effective government leadership roles*, Int'l Campaign for Tibet (Oct. 15, 2020), <https://savetibet.org/analysis-tibetans-denied-effective-government-leadership-roles/>.

⁸⁰ *Id.*

⁸¹ *Position without Power – Tibetan Representation in the Chinese Administrative System*, Int'l Campaign for Tibet (Oct. 15, 2020), <https://savetibet.org/position-without-power-tibetan-representation-in-the-chinese-administrative-system/>.

⁸² International Campaign for Tibet, 19 December 2022, "*New mayors appointed in COVID-hit Tibetan cities*", <https://savetibet.org/new-mayors-appointed-in-covid-hit-tibetan-cities/>.

66) In its response to the List of Issues of the Committee, under point 4, the state party indicates that, in 2020, “84 law firms and 463 lawyers received administrative penalties, and professional sanctions were imposed on 129 law firms and 594 lawyers.” The state party then explicitly refers to the provisions of the Chinese Criminal Law that sanction “criminal activities that endanger national security”, such as “inciting secession, “subversion of State power”, and “inciting subversion of State power”. The Chinese Criminal Code lists provisions that are to protect national security, here in paragraphs 102 to 113, as well as the State Security Law.⁸³

New developments since the previous submission from December 2020

67) According to the organization Dui Hua, a disproportionately large number of China’s trials on alleged breaches of state security are concluded in the Tibetan region. The high court of the “Tibet Autonomous Region” has annually disclosed the number of such trials in the region for the years 2018-2020. In 2018, 25 people were tried for “inciting splittism” and providing funds to entities/individuals to endanger state security. The following year, 37 people were tried in 24 ESS cases involving the same offenses. The latest available 2021 work report stated that the number of ESS cases in 2020 increased to 65 involving 74 defendants.⁸⁴

Recommendations

68) The State party should:

- **indicate geographical distribution of penalties against law firms and lawyers, and provide for a breakdown of sanctions related to alleged breaches of State security in Tibetan areas.**

ENDS

⁸³ http://www.npc.gov.cn/zgrdw/npc/lfzt/rlys/2014-08/31/content_1876769.htm

⁸⁴ Dui Hua Human Rights Journal, January 25, 2022, ‘Decoding State Security Trials, Part I: ESS Cases in Tibet Rose Sharply in 2020’, <https://www.duihuahrjournal.org/2022/01/decoding-state-security-trials-part-i.html>.